THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO.13836 OF 2005

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Dated; 2ND February, 2006.

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Between:

A. Malleswari and others. … Petitioners

And

The Govt. of A.P., rep. by its Principal Secretary, Major Irrigation, Secretariat Buildings, Saifabad, Hyderabad and others.

… Respondents

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO.13836 OF 2005

ORDER :

This writ petition is filed seeking a declaration that the action of the 1st respondent – Government of A.P. in issuing G.O.Rt.No.510, Irrigation & Command Area Development (General.IV) Department, dated 24-04-2005 thereby setting aside the elections to the Water Users Association No.142 of Gottipadu village, Prathipadu Mandal, Guntur district purportedly in exercise of the powers conferred under Section 4 (5) of the A.P. Farmers Management of Irrigation Systems Act, 1997 and subsequently in issuing G.O.Rt.No.1039, Irrigation & Command Area Development (General.IV) Department, dated 8-7-2005 whereunder earlier order of stay was vacated and the 2nd respondent - District Collector was directed to conduct the elections during the month of December, 2005 along with other Water Users Associations as arbitrary and illegal.

It is to be noted that the validity of the very same orders i.e., G.O.Rt.No.510, dated 24-4-2005 as well as G.O.Rt.No.1039, dated 8-7-2005 with regard to the other Water Users Associations namely Kommuru-2 Water Users Association and Kakumanu-186 Water Users Association fell for consideration in W.P.Nos.12158 and 12161 of 2005 and this Court having heard both sides in detail, by a common order dated 21-11-2005 disposed of the writ petitions holding that the impugned order dated 24-4-2005 so far as the two petitioners therein were concerned was arbitrary and illegal. The subsequent order dated 8-7-2005 was also declared as illegal so far as the directions with regard to the petitioners therein were concerned and the respondents were directed to continue the election process in respect of the said two Water Users Associations from the stage where it was stopped.

Having heard the learned Counsel for both the parties and having perused the material on record, it is clear that the issues involved in this writ petition are squarely covered by the ratio laid down in the said decision.

Accordingly, following the common order dated 21-11-2005 in W.P.Nos.12158 and 12161 of 2005, this Writ Petition is disposed of holding that the impugned order dated 24-4-2005 so far as the Water Users Association No.142 of Gottipadu Village, Prathipadu Mandal, Guntur District is concerned is arbitrary and illegal and the same is accordingly set aside to that extent. The subsequent order dated 8-7-2005 in G.O.Rt.No.1039 to the extent of directing the 2nd respondent – District Collector to conduct the election to the Water Users Association No.142, Gottipadu village is also declared as illegal and accordingly the respondents are directed to continue the election process in respect of the Water Users Association No.142, Gottipadu village from the stage where it was stopped. No costs.

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G. ROHINI, J.

Dt. 2-2-2006.

Note:- CC in two days.

(B/O)

GBS